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11 Attorneys for Plaintiff
JOHN P. BRINCKO, as Chapter 11
Trustee Of Debtor National Consumer
12 Mortgage, LLC

Attorneys for Defendant
RIO PROPERTIES, INC.

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF NEVADA

15 JOHN P. BRINCKO, as Chapter 11 Trustee of)
Debtor National Consumer Mortgage, LLC,)

2:10-cv-00930-PMP-PAL

16 Plaintiff,)

[PROPOSED] STIPULATION AND
ORDER

17)
18 vs.)

19 RIO PROPERTIES INC.,)

20 Defendant.)
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1 WHEREAS, pursuant to this Court's Order, entered on January 14, 2013 (Dkt. No. 247)
 2 (the "Order"), the Court granted in part defendant Rio Properties, Inc.'s (the "Rio") Motion in
 3 Limine to Exclude the Expert Testimony of Robert Leahy (Dkt. No. 204) only to the extent that
 4 the Court allowed it to recover the reasonable costs and attorneys' fees associated with the first
 5 deposition of Robert Leahy;

6 WHEREAS, the Order directed the parties to appear for a settlement conference in this
 7 matter before the Honorable Peggy A. Leen (the "Settlement Conference");

8 WHEREAS, the Order directed the Rio to file a memorandum, supported by an affidavit
 9 of counsel, setting forth the amount of fees and costs incurred in connection with the Leahy
 10 Deposition within fourteen (14) days after the Settlement Conference if no settlement was
 11 reached;

12 WHEREAS, pursuant to the Order, a settlement conference was held before the
 13 Honorable Peggy A. Leen on April 11, 2013, and no settlement was reached;

14 WHEREAS, the Rio filed its Memorandum of Fees and Costs, with a supporting affidavit
 15 of counsel, on April 25, 2013;

16 WHEREAS, the parties wish to resolve the issue of the amount of fees and costs to be
 17 awarded in connection with the Leahy Deposition pursuant to the Order without burdening the
 18 Court or the parties with further briefing or motion practice;

19 IT IS HEREBY STIPULATED AND AGREED, by and between plaintiff John P.
 20 Brincko (the "Trustee"), as Chapter 11 Trustee of Debtor National Consumer Mortgage, LLC
 21 (the "Debtor") and the Rio, by and through their respective undersigned counsel, as follows:

- 22 1. Defendant is awarded costs and attorneys' fees in the total amount of \$5,000.00 in
 23 connection with the Leahy Deposition;
- 24 2. Enforcement of the costs and attorneys' fees awarded pursuant to this Stipulation
 25 and Order shall be stayed until judgment is entered. The Rio shall be entitled to

1 an offset for the costs and fees awarded herein against any judgment entered in
2 favor of the Trustee. The costs and attorneys' fees awarded herein shall be
3 assessed as an allowable cost against the Debtor's Estate in the event judgment is
4 entered in favor of the Rio.

5 DATED: May 3, 2013

BAILEY KENNEDY

6 and

STORCH AMINI & MUNVES PC

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BIJAN AMINI, ESQ.

10 *Attorneys for Plaintiff JOHN P. BRINCKO, as Chapter 11*
11 *Trustee Of Debtor National Consumer Mortgage, LLC*

12 DATED: May 3, 2013

COTTON, DRIGGS, WALCH, HOLLEY, WOLOSON
& THOMPSON

13 and

14 GIBSON, DUNN & CRUTCHER LLP

15 
16 JAMES P. FOGELMAN, ESQ.

17 *Attorneys for Defendant RIO PROPERTIES, INC.*

18 IT IS SO ORDERED this 6th day of May, 2013.

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20 
21 Hon. Peggy A. Leen, U.S.M.J.